

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRIAN BRIDGES,

Plaintiff,

vs.

CITY OF CLEVELAND, *et al.*,

Defendants.

)
) CASE NO. 1:17CV 1036

)
) JUDGE: SOLOMON OLIVER, JR.
) MAG. JUDGE: David A. Ruiz

)
) **ANSWER OF DEFENDANTS CITY OF**
) **CLEVELAND, MAYOR FRANK G.**
) **JACKSON AND CHIEF CALVIN D.**
) **WILLIAMS**

Defendants City of Cleveland, Mayor Frank G. Jackson and Chief Calvin D. Williams
respectfully submit their ANSWER to Plaintiff's Complaint as follows:

1. Defendant avers that the allegations contained in paragraph 1 of Plaintiff's complaint serve to establish jurisdiction and do not require a response.
2. Defendants deny for want of knowledge the allegations contained in paragraph 2 of Plaintiff's complaint.
3. Defendants admit the allegations contained in paragraph 3 of Plaintiff's complaint.
4. Defendants deny for want of specific knowledge the allegations contained in paragraph 4-6 of Plaintiff's complaint except to admit that certain property allegedly belonging to Plaintiff was seized.
5. Defendants deny the allegations contained in paragraphs 7-11 of Plaintiff's complaint.
6. Defendants incorporate by reference all of the allegations contained in paragraphs 1-11.

7. Defendants deny for want of knowledge the allegation contained in paragraph 13 of Plaintiff's complaint.
8. Defendants deny the allegations contained in paragraph 14 of Plaintiff's complaint.
9. Defendants deny the allegations contained on paragraphs 15-18 of Plaintiff's complaint.
10. Defendants incorporate by reference all of the allegations contained in paragraphs 1-18.
11. Defendants deny the allegations contained in paragraphs 20-22 of Plaintiff's complaint and deny for want of knowledge that Plaintiff has suffered or incurred any economic damages stemming from the allegations contained in this complaint.

Having fully responded to the allegations in Plaintiff's complaint, Defendant further denies each and every allegation hereinabove that has not been admitted.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim for relief which may be granted.
2. At all times, Defendant had a legitimate business reason for exercising its discretion to seize Plaintiff's property
3. Plaintiff's claims against the Defendants are barred by O.R.C. §2744 and the doctrines of qualified immunity and privilege.
4. Plaintiff's claims are barred because they do not allege constitutional violations attributable to an official policy or custom.
5. Defendants are entitled to all immunities and other defenses available under Ohio Revised Code Chapter 2744.

6. Defendants are entitled to all other full and qualified immunities available under federal law or state law or both.
7. Plaintiff's claims are barred because have failed to comply with the any of the provisions set forth in O.R.C. § 2981.03.
8. Plaintiff's claims may be barred by the applicable statutes of limitations.
9. R.C. §2744.05 prohibits the awarding of punitive damages against a political subdivision.
10. R.C. §2315.21(B) requires a bifurcated jury trial on the issue of punitive damages when both compensatory damages and punitive damages are being sought.
11. Plaintiff's claims are barred by the doctrines of laches, undue delay, waiver and estoppel.
12. Plaintiff's claim for attorney fees and punitive damages have no basis in law and are without merit.
13. Plaintiff has failed and refused to exhaust his available administrative remedies.

Respectfully Submitted,

BARBARA A. LANGHENRY (0038838)
Director of Law

By: s/ Annette G. Butler
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Williams*

CERTIFICATE OF SERVICE

I certify that on May 24th, 2017 a copy of **DEFENDANTS CITY OF CLEVELAND MAYOR FRANK G. JACKSON AND CHIEF CALVIN D. WILLIAMS' ANSWER** was electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system

s/ Annette G. Butler

Annette G. Butler (0040038)

Assistant Director of Law